

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ROTHSCHILD BROADCAST DISTRIBUTION
SYSTEMS, LLC,

Plaintiff,

v.

CRUNCHYROLL, INC.,

Defendant.

CASE NO. 6:15-CV-238

JURY TRIAL DEMANDED

ORDER FOCUSING PATENT CLAIMS AND PRIOR ART TO REDUCE COSTS

The Court ORDERS as follows:

1. This Order supplements all other discovery rules and orders. It streamlines the issues in this case to promote a “just, speedy, and inexpensive determination” of this action, as provided by Federal Rule of Civil Procedure 1.

Phased Limits on Asserted Claims and Prior Art References

2. By January 4, 2016, the patent claimant shall serve a Preliminary Election of Asserted Claims, which shall assert no more than ten claims from the asserted patent. Not later than January 18, 2016, the patent defendant shall serve a Preliminary Election of Asserted Prior Art, which shall assert no more than eighteen prior art references against the asserted patent.¹

¹ For purposes of this Order, a prior art instrumentality (such as a device or process) and associated references that describe that instrumentality shall count as one reference, as shall the closely related work of a single prior artist.

3. No later than April 25, 2016, the patent claimant shall serve a Final Election of Asserted Claims, which shall identify no more than five asserted claims per patent from among the ten previously identified claims. By May 16, 2016, the patent defendant shall serve a Final Election of Asserted Prior Art, which shall identify no more than nine asserted prior art references from among the eighteen prior art references previously identified. For purposes of this Final Election of Asserted Prior Art, each obviousness combination counts as a separate prior art reference, but the assertion of the same reference under both anticipation and obviousness defenses counts as a single reference.

Modification of this Order

4. Subject to Court approval, the parties may modify this Order by agreement, but should endeavor to limit the asserted claims and prior art references to the greatest extent possible. Absent agreement, post-entry motions to modify this Order's numerical limits on asserted claims and prior art references must demonstrate good cause warranting the modification. Motions to modify other portions of this Order are committed to the sound discretion of the Court.²

² This Order contemplates that the parties and the Court may further narrow the issues during pretrial proceedings in order to present a manageable case at trial.

DATED: July 19, 2015

Respectfully Submitted,

By: /s/ Charles Ainsworth

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By: /s/ Bryan A. Kohm with permission by
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 19th day of July, 2015, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by, electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Charles Ainsworth

Charles Ainsworth